M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1672 Press ~~Mis.~~

9-10

Dated 25-11-~~19~~1818

Not to be folded or roughly handled

No. 9. Read the following letter from CLEMENT DALE, Esq., Government Pleader, Sudr Udalut; to W. H. BAYLEY, Esq., Acting Secretary to Government, dated 17th November 1858, No. 145.

SIR,

Letter from Government Pleader, to Chief Secretary, 25th August 1858, No. 94.

In continuation of the letter I had the honor to address as noted in the margin; I have the honor to enclose for the information of the Right Honorable the Governor in Council, a copy of the Decree passed by the Judges of the Court of Sudr Udalut in S. A. S. No. 42 of 1858.

DECREE.

Before the Subordinate Court of Madura, Original Suit No. 24 of 1856.
Before the Civil Court of Madura, Appeal Suit No. 44 of 1857.
Before the Court of Sudr Udalut, Special Appeal Suit No. 42 of 1858.

Special Appellant.	*Special Respondent.*
G. F. Fisher, Esq.	R. H. Williamson, Esq., Post Master General of Madras.
Pleaders.	*Pleader.*
Messrs. Arthur M. Ritchie and Alex. M. Ritchie.	C. Dale, Esq.

The plaintiff whose letters were generally directed to him at Salem, made application to the Post Master General, to order them to be transmitted direct to Madura, whither he was about to proceed, and being charged three Annas, as forward postage on a parcel so transmitted, sued the defendant for the recovery of that sum, on the ground of its being an illegal charge. The defendant who held the office of Deputy Post Master of Madura, allowed Judgment to go by default.

In Appeal, the Post Master General appeared in the place of his Deputy, and urged that the plaintiff having sued an irresponsible party, he ought to be non-suited, and the Civil Judge made his Decree accordingly.

A Special Appeal was admitted for the reason that the Appeal appeared to have been irregularly received from one who was no party to the Original Suit. At the hearing the Messrs. Ritchie appeared for the Special Appellant and Mr. C. Dale for the Special Respondent.

The Court of Sudr Udalut have no hesitation in declaring the Appeal instituted in the name of Mr. Williamson, the Post Master General, to be irregular, as Mr. Williamson was no party to the Original Suit and gave no authority to the Vakeel to prosecute the Appeal in his name. The Court therefore set aside all the proceedings held in the said Appeal in his name against the Decree of the Acting Sub Judge.

The Court remit the value of the primary Stamps in the Appeal and Special Appeal. The remaining costs in the Appeal and Special Appeal are to be borne by the parties severally, as incurred by them and they may seek their recovery by action against the Vakeel whose unauthorized act has subjected them to these costs.

No. 10. ORDER THEREON, No. 1672; dated 25th November 1858.

To be recorded.

(Signed) W. H. BAYLEY,
Acting Secretary to Govt.

Exd. F. Cartledge.

C Hdqrs Sept 1858 No 17418.

Judicial 1858 Sept
Dup 4 to Copies 20 November
From Govt Pleader S U
Do Actng Secy to Govt
Dated 17th November /58
Recd

No 145
(Enclosure one)

No 2059

Enclosing Copy of the Decree passed by the Court of Sudr Adalut in S A S No 42 of 1858

No 1672
To be Recorded
25 Novr/58 D.H.C.
W H D

C 19 Novr 9410.
R 23 "

No. 145

From Clement Dale Esquire. Government Pleader Sudr Udalut

To W. H. Bayley Esquire Acting Secretary to Government

Madras 17th November 1858

Sir,

In continuation of the letter I had the honor to address as noted in the margin; I have the honor to enclose for the information of the Right Honorable the Governor in Council a Copy of the Decree passed by the Judges of the Court of Sudr Udalut in S.A.S. No. 42 of 1858

I have &c.

Letter from Govt Pleader to Chief Secry 25th August 1858 No. 94